

## 21 C.J.S. Courts § 153

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### Courts

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### IV. Terms and Sessions

#### D. Other Matters

## § 153. Courthouse

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### West's Key Number Digest

West's Key Number Digest, [Courts](#)  72

**A courthouse is a building in which courts are held, and terms and sessions of courts are ordinarily held at the courthouse.**

The term "courthouse" is used to designate the building where courts are held and where the people attending court are supposed to congregate.<sup>1</sup> Terms and sessions of courts are ordinarily held at the courthouse,<sup>2</sup> and it is proper that they be held there<sup>3</sup> in a suitable room.<sup>4</sup> However, it is not in all cases essential to the validity of a court's proceedings that the court be held in the house or room where its sessions are usually held.<sup>5</sup> If a session of court is required to be held at a county seat where there is no courthouse, the court may meet in any suitable place within the county seat.<sup>6</sup>

The court must be given some latitude in exercising its discretion in addressing a motion for a change of courtroom<sup>7</sup> or in designating an alternate place to hold trial.<sup>8</sup> Since the courtroom setting itself is essential to a trial's integrity, the court should be wary of a setting that impermissibly influences a jury's decision-making process and jeopardizes the presumption of innocence.<sup>9</sup> Generally, promoting the convenience of the court is not a significant factor in deciding where a hearing should be held, but the convenience of witnesses is a factor.<sup>10</sup> Thus, under the Federal Rules of Criminal Procedure, the convenience of the victim as well as the witnesses and defendant must be considered. Specifically, unless a statute or the Federal Rules permit otherwise, the government must prosecute an offense in a district where the offense was committed.<sup>11</sup> The court must set the place of trial within the district with due regard for the convenience of the defendant, any victim, and the witnesses and the prompt administration of justice.<sup>12</sup>

Although the Sixth Amendment of the Federal Constitution and rules of criminal procedure<sup>13</sup> require that a defendant's trial take place in the district where the crime was committed, there is no constitutional or statutory requirement that a defendant's trial take place in a specific courtroom or division within a federal judicial district.<sup>14</sup> Trial courts are obligated to undertake a careful analysis of the facts of the situation to determine whether the extraordinary measure of holding trial in a jail courtroom is warranted.<sup>15</sup> A defendant is not denied a right to a fair trial merely because the trial is conducted in a county law enforcement center rather than in a county courthouse,<sup>16</sup> although the court may not hold trial in a facility where public's access is governed exclusively by jail authorities, if the court fails in its obligation to take reasonable measures to accommodate the public's attendance at the trial, and no consent was obtained from the defendant to conduct the trial in the jail's courtroom, as required by statute.<sup>17</sup> A defendant is denied a right to trial by an impartial jury if the defendant's jury trial is conducted within the confines of a prison, as the risk of singling the defendant out as dangerous, and by extension guilty, is sufficiently great, to render the practice inherently prejudicial.<sup>18</sup> However, there is also authority for a contrary view.<sup>19</sup>

### ***Control of courtroom and courthouse premises.***

The courtroom and courthouse premises are subject to the control of the court,<sup>20</sup> and courts may impose restrictions upon media access to courtrooms and courthouse premises when necessary to protect and facilitate the proper administration of the judicial system.<sup>21</sup> State courts have jurisdiction over the security of courthouse buildings or spaces where court is housed.<sup>22</sup> However, a notice of trespass, under which a protester is prohibited from being on the grounds of a state courthouse indefinitely, is a violation of the protester's First Amendment right of access to the courts despite the court's interest in the security of judicial persons, property, and proceedings since the means chosen to protect the courthouse is not narrowly tailored to the alleged threat.<sup>23</sup>

## **CUMULATIVE SUPPLEMENT**

### **Cases:**

Terms "harangue" and "oration" as used in federal statute prohibiting any person from "mak[ing] a harangue or oration, or utter[ing] loud, threatening, or abusive language in the Supreme Court Building or grounds," had to be construed in accordance with surrounding terms, as prohibiting only forms of public speech tending to disrupt the Supreme Court's operations, and as so construed, were not unconstitutionally vague in violation of due process rights of attendees during oral argument before the Supreme Court who successively stood up and disrupted proceedings by making political statements about voting rights and money in politics. *U.S. Const. Amend. 5*; 40 U.S.C.A. § 6134. *United States v. Bronstein*, 849 F.3d 1101 (D.C. Cir. 2017).

## **[END OF SUPPLEMENT]**

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### Footnotes

- 1 Tenn.—*Johnson City Buick Co. v. Johnson*, 165 Tenn. 349, 54 S.W.2d 946 (1932).
- 2 Wis.—*Tourville v. S.D. Seavey Co.*, 124 Wis. 56, 102 N.W. 352 (1905).
- 3 Ala.—*Kilgore v. State*, 19 Ala. App. 181, 95 So. 906 (1923).
- 4 Ill.—*Greene v. Bjorseth*, 350 Ill. 469, 183 N.E. 464 (1932).
- 5 N.Y.—*Matter of Richter*, 409 N.Y.S.2d 1013 (Jud. Ct. 1977).

- 6 Tex.—Cruz v. Hinojosa, 12 S.W.3d 545 (Tex. App. San Antonio 1999).
- 7 Pa.—Com. v. Scott, 469 Pa. 258, 365 A.2d 140 (1976).
- 8 Iowa—State v. Jones, 281 N.W.2d 13 (Iowa 1979).
- 9 Wash.—State v. Jaime, 168 Wash. 2d 857, 233 P.3d 554 (2010), as amended on denial of reconsideration, (Sept. 30, 2010).
- 10 N.D.—State v. Entzi, 2000 ND 148, 615 N.W.2d 145 (N.D. 2000).
- 11 Fed. R. Crim. P. 18.
- 12 Fed. R. Crim. P. 18.
- 13 Fed. R. Crim. P. 18
- 14 U.S.—U.S. v. Erwin, 155 F.3d 818, 1998 FED App. 0291P (6th Cir. 1998).
- 15 Wash.—State v. Jaime, 168 Wash. 2d 857, 233 P.3d 554 (2010), as amended on denial of reconsideration, (Sept. 30, 2010).
- 16 Ark.—Walley v. State, 353 Ark. 586, 112 S.W.3d 349 (2003).
- 17 Ga.—Purvis v. State, 288 Ga. 865, 708 S.E.2d 283 (2011).
- 18 Or.—State v. Cavan, 337 Or. 433, 98 P.3d 381 (2004).
- 19 Cal.—People v. England, 83 Cal. App. 4th 772, 100 Cal. Rptr. 2d 63 (3d Dist. 2000).
- Utah—State v. Kell, 2002 UT 106, 61 P.3d 1019 (Utah 2002).
- 20 Fla.—Board of County Com'rs of Bradford County v. Judicial Space in Bradford County Courthouse, 378 So. 2d 1247 (Fla. 1st DCA 1979), decision approved, 401 So. 2d 1330 (Fla. 1981).
- 21 U.S.—Combined Communications Corp. v. Finesilver, 672 F.2d 818 (10th Cir. 1982).
- 22 U.S.—Huminski v. Corsones, 396 F.3d 53 (2d Cir. 2005); Wainwright v. Lockhart, 80 F.3d 1226 (8th Cir. 1996).
- 23 U.S.—Huminski v. Corsones, 396 F.3d 53 (2d Cir. 2005).